

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 12, 16, 17, 21, 25, 29, 30, 34, and 43 have been canceled.

New claim 46 has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 11, 13-15, 18-20, 22-24, 26-28, 31-33, 35-42, and 44-46 are now pending in this application.

Rejection under 35 U.S.C. § 102

Claims 11-36 and 42-45 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,291,772 to Beynet (hereafter "Beynet"). This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *See generally* MPEP § 2131.

Beynet discloses a drilling fluid bypass for a marine riser in which a riser pipe 16 is connected to a subsea wellhead 18 and a drill string 28 is supported within the riser pipe 16. *See* Beynet at col. 1, line 66, to col. 2, line 9. A mud return pump 42 and return mud flow line 38 are provided to withdraw heavy drilling mud 35 and a lightweight fluid conduit 32 is provided to supply lightweight fluid 33 to the interior of the riser pipe 16, creating an interface between the lightweight fluid 33 and the heavy drilling mud 35. *See* Beynet at col. 2, lines 16-30.

Beynet discloses that level control means 43, 43A can be provided along the riser pipe 16 to measure the height of the interface 45 between the lightweight fluid 33 and the heavy drilling mud 35, with output provided to the mud return pump 42. See Beynet at col. 2, lines 32-38. Beynet also discloses that a lightweight fluid level 45 in a container 49 is controlled by a level sensor 47, which in turn controls a pump 36 connected to the lightweight fluid conduit 32.

However, Beynet does not disclose or suggest regulating a pressure of drilling fluid at an inlet to a pump to regulate the distance between a first level and a demarcation zone between the two fluids in a conduit, as recited in claims 11 and 42. Claims 13-15, 18-20, 22-24, 26-28, 31-33, 35-41, and 44-46 depend from claims 11 and 42. Beynet is silent in regard to this feature.

The Office argues on page 3 of the Office Action, in regard to claim 12, that Beynet discloses removing drilling fluid from a conduit using pump 43 with an inlet in communication with the conduit and regulating a pressure of drilling fluid at an inlet to regulate a distance between the first level and a demarcation zone. However, Beynet only discloses that the mud return pump 42 receives a signal from the level control means 43, 43A to control the level or height of the interface 45 between the lightweight fluid 33 and the heavy drilling mud 35. Beynet does not disclose or suggest that a pressure at an inlet to the mud return pump 42 is controlled to regulate a distance between a first level and the interface 45, as recited in claims 11 and 42.

For at least the reasons discussed above, Beynet does not anticipate claims 11, 13-15, 18-20, 22-24, 26-28, 31-33, 35-42, and 44-46 because Beynet does not disclose or suggest all of the features of claims 11 and 42. Reconsideration and withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

Applicant gratefully acknowledges the allowance of claims 37-41.

New Claim

New claim 46 has been added. Claim 46 depends from claim 11. Applicant respectfully submits that claim 46 is allowable over the prior art for at least the reasons discussed above and for its respective additional recitations.

Conclusion

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

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Respectfully submitted,

Date _____

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